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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,088	12/18/2000	Lorin Evan Ullmann	AUS920000828-US1	5245

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EXAMINER

SORRELL, ERON J

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 04/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/740,088

Applicant(s)

ULLMANN, LORIN EVAN

Examiner

Eron J Sorrell

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: ____ |

Art Unit: 2182

DETAILED ACTION

Specification

1. Please update status of the identified co-pending or related applications in the specification with serial numbers and filing dates, or U.S. Patent numbers if they have so matured.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Referring to claims 5 and 14, the term "substantially all" at line 10 of the claim renders the claim indefinite. It is not clear to the Examiner what is meant by "substantially all" when referring to networks comprising millions of computers.

Art Unit: 2182

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4,6,10-13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gooderum et al. (U.S. Patent No. 5,918,018 hereinafter "Gooderum") in view of Pulsipher et al. (U.S. Patent No. 5,948,055 hereinafter "Pulsipher").

7. Referring to method claim 1 and computer readable medium claim 10, Gooderum discloses a method in a distributed method environment having a plurality of networked computers with internet protocol (IP) drivers comprising the steps of:

defining the physical scope for each of the IP Drivers in the distributed network (see lines 40-50 of column 1); and

defining a logical scope for each application based on the logical network and the mapped physical network (see lines 40-50 of column 1).

Art Unit: 2182

Gooderum fails to teach the method further comprising the steps of discovering the physical network by scanning with the IP Drivers, mapping the physical network into a graphical network representation, and creating a logical network comprising the components of the mapped physical network.

Pulsipher teaches a method in a distributed network environment comprising the steps of:

discovering the physical network by scanning with the IP Drivers (see lines 11-64 of column 6);

mapping the physical network into a graphical network representation (see lines 11-64 of column 6); and

creating a logical network comprising the components of the mapped physical network (see lines 11-64 of column 6).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the method of Gooderum with the above teachings of Pulsipher. One of ordinary skill in the art would have been motivated to make such modification in order to provide support for handling the overlap in monitored applications as suggested by Pulsipher (see lines 9-11 of column 4).

8. Referring to method claim 2 and computer readable medium claim 11, Gooderum teaches a method for determining application

Art Unit: 2182

access to at least one endpoint in a distributed network having a plurality of computers each with at least one endpoint, comprising the steps of:

obtaining the logical scope for the application (see lines 40-50 of column 1);

for each physical entity found within the logical scope for the application, identifying the physical entity and obtaining the physical scope for the physical entity (see lines 9-11 of column 10); and

determining whether a given endpoint is within the defined applications network (see lines 1-5 of column 9).

Gooderum fails to teach accumulating the physical scopes for all physical entities, which are found in the logical scope to define the applications network.

Pulsipher teaches, in an analogous system, accumulating the physical scopes for all the physical entities to define the applications network (see lines 10-64 of column 6).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the method of Gooderum with the above teachings of Pulsipher such that the physical scopes are accumulated for all physical entities, which are found in the logical scope to define the applications network. One of ordinary skill in the art would

Art Unit: 2182

have been motivated to make such modification in order to minimize traffic on the network by reducing the amount of redundant operations that are performed over the network as suggested by Pulsipher (see lines 65-67 of column 2).

9. Referring to claims 3 and 12, Gooderum teaches storing the defined applications network (see lines 23-30 of column 2).

10. Referring to claims 4 and 13, Gooderum teaches limiting the application's interactions within the network based on the application's network.

11. Referring to claim 6 and 15, Gooderum teaches that the plurality of network computers include IP Drivers and wherein the obtaining the logical scope for each of the applications comprises the steps of:

defining the physical scope for each of the IP Drivers in the distributed network (see lines 40-50 of column 1); and

defining a logical scope for each application based on the logical network and the mapped physical network (see lines 40-50 of column 1).

Gooderum fails to teach the method further comprising the steps of discovering the physical network by scanning with the

Art Unit: 2182

IP Drivers, mapping the physical network into a graphical network representation, and creating a logical network comprising the components of the mapped physical network.

Pulsipher teaches a method in a distributed network environment comprising the steps of:

discovering the physical network by scanning with the IP Drivers (see lines 11-64 of column 6);

mapping the physical network into a graphical network representation (see lines 11-64 of column 6); and

creating a logical network comprising the components of the mapped physical network (see lines 11-64 of column 6).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the method of Gooderum with the above teachings of Pulsipher. One of ordinary skill in the art would have been motivated to make such modification in order to provide support for handling the overlap in monitored applications as suggested by Pulsipher (see lines 9-11 of column 4).

12. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gooderum in view of Basani et al. (U.S. Patent No. 6,718,361 hereinafter "Basani").

Art Unit: 2182

13. Referring to claims 8 and 9, Gooderum teaches a control server for determining access to endpoints in a distributed network comprising a plurality of computers each having at least one endpoint, comprising:

at least one IP driver for controlling at least one of the endpoints (see item labeled 22 in figure 2A);

at least one storage location for storing at least the physical scope of control for each of the at least one IP driver and at least one application scope for each application to be run on the network (see lines 23-30 of column 2).

Gooderum fails to teach a Scope Manager for administering the scope for each of the at least one IP driver and the at least one application, wherein the Scope Manager is adapted to define the at least one application scope for each application to be run on the network.

Basani teaches, in an analogous system, a Scope Manager for administering the scope for each of the at least one IP driver and the at least one application, wherein the Scope Manager is adapted to define the at least one application scope for each application to be run on the network (see lines 33-56 of column 5).

Art Unit: 2182

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the method of Gooderum with the above teachings of Basani. One of ordinary skill in the art at the time of the applicant's invention would have been motivated to make such modification in provide a scalable, reliable method of transmitting applications over a large network as suggested by Basani (see lines 48-59 of column 6).

14. Claims 5,7,14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gooderum in view of Pulsipher as applied to claims 1 and 2 above, and further in view of Basani.

15. Referring to claims 5 and 14, Gooderum teaches the method comprises the step of obtaining an application scope as the span of control for a given application (see lines 40-50 of column 1).

The combination of Gooderum and Pulsipher fails to teach the limitations of replicating copies of the program to computers within the span of control, preventing replication at computers outside the span of control, and ceasing replication when substantially all computers with the span of control have installed copies of the program.

Art Unit: 2182

Basani teaches, in an analogous method, the limitations of replicating copies of the program to computers within the span of control, preventing replication at computers outside the span of control, and ceasing replication when substantially all computers with the span of control have installed copies of the program (see lines 33-56 of column 5).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Gooderum and Pulsipher with the above teachings of Basani. One of ordinary skill in the art at the time of the applicant's invention would have been motivated to make such modification in provide a scalable, reliable method of transmitting applications over a large network as suggested by Basani (see lines 48-59 of column 6).

16. Referring to claim 7 and 16, Gooderum teaches that the plurality of network computers include IP Driver and wherein the obtaining the logical scope for each of the applications comprises the steps of:

defining the physical scope for each of the IP Drivers in the distributed network (see lines 40-50 of column 1); and

defining a logical scope for each application based on the logical network and the mapped physical network (see lines 40-50 of column 1).

Gooderum fails to teach the method further comprising the steps of discovering the physical network by scanning with the IP Drivers, mapping the physical network into a graphical network representation, and creating a logical network comprising the components of the mapped physical network.

Pulsipher teaches a method in a distributed network environment comprising the steps of:

discovering the physical network by scanning with the IP Drivers (see lines 11-64 of column 6);

mapping the physical network into a graphical network representation (see lines 11-64 of column 6); and

creating a logical network comprising the components of the mapped physical network (see lines 11-64 of column 6).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the method of Gooderum with the above teachings of Pulsipher. One of ordinary skill in the art would have been motivated to make such modification in order to provide support for handling the overlap in monitored applications as suggested by Pulsipher (see lines 9-11 of column 4).

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following reference is cited to further show the state of the art as it pertains to network discovery of a distributed network:

U.S. Patent No. 5,758,077 to Danaby et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eron J Sorrell whose telephone number is 703 305-7800. The examiner can normally be reached on Monday-Friday 9:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A Gaffin can be reached on 703 308-3301. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2182

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)

EJS
April 28, 2004



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